

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #2	CCRB Case #: 202003368	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/15/2020 3:13 PM	Location of Incident: Elizabeth Street and Canal Street	Precinct: 05	18 Mo. SOL 11/15/2021	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 05/15/2020 7:40 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 05/15/2020 7:40 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Vedutis	27030	965597	005 PCT
2. POM Brendan Giardino	11681	965730	005 PCT
3. An officer			005 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Stephani Hanak	16920	929407	005 PCT
2. POM Anthony Oconnell	28219	967227	005 PCT
3. POM Seeyeung Moy	12018	956957	005 PCT
4. POF Shaneek Smith	30189	965539	073 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Vedutis	Discourtesy: Police Officer Christophe Vedutis acted discourteously toward § 87(2)(b)	
B.POM Christophe Vedutis	Discourtesy: Police Officer Christophe Vedutis acted discourteously toward § 87(2)(b)	
C.POM Christophe Vedutis	Discourtesy: Police Officer Christophe Vedutis acted discourteously toward § 87(2)(b)	
D.POM Brendan Giardino	Discourtesy: Police Officer Brendan Giardino acted discourteously toward § 87(2)(b)	
E.POM Brendan Giardino	Discourtesy: Police Officer Brendan Giardino acted discourteously toward § 87(2)(b)	
F.POM Brendan Giardino	Discourtesy: Police Officer Brendan Giardino acted discourteously toward § 87(2)(b)	
G. An officer	Off. Language: An officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
H. An officer	Off. Language: An officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
I. An officer	Off. Language: An officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
J.POM Christophe Vedutis	Untruthful Stmt.: Police Officer Christophe Vedutis provided a misleading official statement to the CCRB.	

Officer(s)	Allegation	Investigator Recommendation
K.POM Brendan Giardino	Untruthful Stmt.: Police Officer Brendan Giardino provided a misleading official statement to the CCRB.	

Case Summary

On May 15, 2020, § 87(2)(b) a reporting non-witness, filed this complaint on the behalf of his daughter § 87(2)(b) and her friends § 87(2)(b) and § 87(2)(b) with the CCRB via the call processing system (Board Review 01).

On May 15, 2020, at approximately 3:20 p.m., § 87(2)(b) and her friends § 87(2)(b) and § 87(2)(b) rode Citibikes past Canal Street and Elizabeth Street in Manhattan. Police Officer Christopher Vedutis and Police Officer Brendan Giardino of the 5th Precinct parked their vehicles in the median of Canal Street and joked with each other over their loudspeakers, and one of them allegedly said, "Come over here with your hands up." (**Allegations A-F – Discourtesy: Action,** § 87(2)(g) § 87(2)(b) and her friends stopped and were unsure whether the officers were addressing them. Either Police Officer Vedutis or Police Officer Giardino exited his car and said, "Do you want to take a picture with us?" (**Allegations G-I – Offensive Language: Gender,** § 87(2)(g) § 87(2)(b) For the remainder of the incident, § 87(2)(b) and her friends discussed what happened with Police Officer Vedutis and Police Officer Giardino, as well as Police Officer Stefani Hanak and Police Officer Anthony O'Connell of the 5th Precinct.

There is evidence that Police Officer Vedutis (on January 20, 2021, and May 19, 2021) and Police Officer Giardino (on January 5, 2021) provided misleading official statements to the CCRB (**Allegations J and K – Untruthful Statement,** § 87(2)(g) § 87(2)(b).

None of the officers recorded the incident on their body-worn cameras (BWC) (Board Review 02). Footage was obtained from the First Republic Bank branch at the northeast corner of Canal Street and Elizabeth Street in Manhattan (Board Review 03, summarized in Board Review 04). This footage contains to audio but captures § 87(2)(b) and her friends speaking to the officers.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Christopher Vedutis acted discourteously toward § 87(2)(b)

Allegation (B) Discourtesy: Police Officer Christopher Vedutis acted discourteously toward § 87(2)(b)

Allegation (C) Discourtesy: Police Officer Christopher Vedutis acted discourteously toward § 87(2)(b)

Allegation (D) Discourtesy: Police Officer Brendan Giardino acted discourteously toward § 87(2)(b)

Allegation (E) Discourtesy: Police Officer Brendan Giardino acted discourteously toward § 87(2)(b)

Allegation (F) Discourtesy: Police Officer Brendan Giardino acted discourteously toward § 87(2)(b)

Allegation (G) Offensive Language: An officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

Allegation (H) Offensive Language: An officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

Allegation (I) Offensive Language: An officer made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

§ 87(2)(b) was interviewed via telephone on May 28, 2020 (Board Review 05), and she provided a follow-up telephone statement on May 29, 2020 (Board Review 06). § 87(2)(b) was interviewed via telephone on June 3, 2020 (Board Review 07). Contact attempts to § 87(2)(b)

were exhausted, and no contact with her could be established. Police Officer Giardino was interviewed on January 5, 2021 (Board Review 08). Police Officer Vedutis was interviewed on January 20, 2021 (Board Review 09) and a follow-up interview was conducted with him on May 19, 2021 (Board Review 10). Police Officer O’Connell was interviewed on March 2, 2021 (Board Review 11). Police Officer Hanak was interviewed on March 3, 2021 (Board Review 12). Police Officer Moy was interviewed on April 9, 2021 (Board Review 13). Police Officer Shaneek Smith was interviewed on August 4, 2021 (Board Review 14).

§ 87(2)(b) stated that as she and her friends were riding Citibikes past First Republic Bank, they passed two police vehicles in the median of Canal Street, and she heard a male voice, identified by the investigation as that of either Police Officer Giardino or Police Officer Vedutis, say, “Come over here with your hands up,” over the loudspeaker of the rear police vehicle. § 87(2)(b) and her friends stopped their bikes and gestured to the officers to ask if they were speaking to them. Police Officer Vedutis and Police Officer Giardino exited their police vehicle, and one of them said, “Do you want to take a picture with us?” § 87(2)(b) did not know which of the two officers made this statement. Police Officer Vedutis and Police Officer Giardino left the scene, and § 87(2)(b) noticed she had lost her Bluetooth speaker. After searching for it, § 87(2)(b) approached Police Officer Giardino and Police Officer Vedutis, who were in a police vehicle parked on Elizabeth Street, and told them that she lost her speaker while they were “catcalling” her. The officers provided their names to § 87(2)(b) at her request, and § 87(2)(b) returned across the street to her friends. They addressed the situation with Police Officer Hanak and Police Officer O’Connell, who asked Police Officer Vedutis and Police Officer Giardino to return to the scene. Police Officer Giardino acknowledged to § 87(2)(b) and her friends that he had spoken over his loudspeaker but said that he had been addressing other police officers who were nearby. § 87(2)(b) and her friends then left the scene.

§ 87(2)(b) statement was generally consistent with § 87(2)(b). She recalled the statement over the loudspeaker as, “Pull over, stop, put your hands up,” but did not know which officer made this statement. She recalled that an officer asked them, “Do you want to take a picture with us or something?” but did not recall which officer did so.

Police Officer Giardino’s and Police Officer Vedutis’ statements were generally consistent. They stated that at the end of their initial tours with Police Officer Smith and Police Officer Moy, respectively, they parked their police vehicles in the median of Canal Street, but they denied having seen § 87(2)(b) and her friends or addressing them while they were in the median. Police Officer Vedutis believed Police Officer Giardino may have also been parked in the median, but Police Officer Giardino did not recall whether he encountered Police Officer Vedutis in the median. Neither officer said nor heard any officer say, “Come over here with your hands up.” Neither officer asked any civilian if she wanted a photograph with him nor heard the other do so. Police Officer Vedutis and Police Officer Giardino walked from the median to the 5th Precinct stationhouse, and they were assigned another tour of duty, this time working with each other. They did not notice § 87(2)(b) until the start of their second tours, when she approached them and asked for their names. Police Officer Vedutis asked § 87(2)(b) why she wanted their names, and she said she was alarmed because someone told her to put her hands up. § 87(2)(b) crossed the street and began speaking to Police Officer Hanak and Police Officer O’Connell. Police Officer Vedutis and Police Officer Giardino began their patrol on the Manhattan Bridge and received a call from Police Officer Hanak and Police Officer O’Connell to return to the scene. § 87(2)(b) asked Police Officer Giardino and Police Officer Vedutis if they spoke to them at the intersection or asked them to stop, and they both denied doing so. Police Officer Giardino said it is possible that he or Police Officer Vedutis may have indicated to § 87(2)(b) that their prior interaction was a misunderstanding, but he noted that he did not have a detailed recollection of what he discussed

with § 87(2)(b) Police Officer Vedutis apologized to § 87(2)(b) and her friends for “what they were going through” but told them that he did not do anything, and he did not apologize to them for anything that he did.

Police Officer Smith, Police Officer Giardino’s partner during his initial tour, stated that when she ended her tour with Police Officer Giardino, he parked their vehicle behind Police Officer Vedutis and Police Officer Moy’s vehicle in the median of Canal Street near the 5th Precinct stationhouse. While both vehicles were parked, Police Officer Giardino started honking at Police Officer Vedutis “because they’re friends, they were just playing around with each other.” Police Officer Giardino and Police Officer Vedutis then spoke back and forth to each other over their respective vehicles’ loudspeakers. Police Officer Smith did not recall what Police Officer Giardino and Police Officer Vedutis said to each other over their loudspeakers, or which officer spoke over his loudspeaker first, but she noted, “It was literally just friends joking with each other.” Neither Police Officer Giardino nor Police Officer Vedutis said anything to the effect of, “Come over here with your hands up.” Police Officer Smith believed Police Officer Giardino and Police Officer Vedutis exchanged approximately three loudspeaker transmissions with each other. As Police Officer Giardino and Police Officer Vedutis conversed over their loudspeakers, Police Officer Smith gathered her bag and supplies from the car and returned to the 5th Precinct stationhouse to end her tour. As she exited the police vehicle, Police Officer Smith saw § 87(2)(b) and her friends walking on the north side of Canal Street. They turned around and “gave their attention toward” the police vehicles as Police Officer Vedutis and Police Officer Giardino spoke on their loudspeakers. Police Officer Smith did not believe they interacted verbally with the officers at this point; she believed they merely looked toward the police vehicles “as though someone was calling [them].” Police Officer Smith did not notice the females doing anything else in her presence. Police Officer Smith left the median and entered the stationhouse before Police Officer Vedutis and Police Officer Giardino and was not present with Police Officer Giardino and Police Officer Vedutis during any subsequent interaction they may have had with § 87(2)(b) and her friends. Police Officer Giardino and Police Officer Vedutis did not appear to direct their loudspeaker transmissions towards § 87(2)(b) and her friends at any point while Police Officer Smith was still at the scene. Police Officer Smith did not recall hearing Police Officer Giardino or Police Officer Vedutis saying anything to the effect of, “Do you want to take a photo with us?”

Police Officer Moy, Police Officer Vedutis’ partner during his first tour, stated that he did not hear Police Officer Vedutis or Police Officer Giardino address anyone over a loudspeaker. He did not notice § 87(2)(b) or her friends, and he stated that neither Police Officer Vedutis nor Police Officer Giardino said, “Come over here with your hands up,” or asked anyone if she wanted to take a photograph with him.

Police Officer Hanak’s and Police Officer O’Connell’s statements were generally consistent. They stated that § 87(2)(b) informed them that she believed Police Officer Vedutis or Police Officer Giardino said something to her over a police vehicle’s loudspeaker, but they did not recall what she alleged was said. They believed Police Officer Vedutis and Police Officer Giardino apologized for “a misunderstanding” or “some kind of mix-up,” but they did not recall the nature of their misunderstanding. They themselves were not present for the initial alleged interaction between Police Officer Vedutis and Police Officer Giardino and § 87(2)(b) and her friends.

As per Patrol Guide Procedure 200-02 (Board Review 15), the NYPD’s values include “maintain[ing] a higher standard of integrity than is generally expected of others because so much is expected of [them],” and, “valu[ing] human life, respect[ing] the dignity of each individual, and render[ing] their services with courtesy and civility.”

Patrol Guide Procedure 203-10 (Board Review 16) prohibits officers from “engaging in conduct prejudicial to the good order, efficiency, or discipline of the Department.”

§ 87(2)(b) and § 87(2)(b) stated that they heard Police Officer Vedutis or Police Officer Giardino say, “Come over here with your hands up,” or, “Pull over, stop, put your hands up” over a police vehicle loudspeaker, and § 87(2)(b) stated that Police Officer Giardino later acknowledged addressing another officer over his loudspeaker. Police Officer Smith stated that Police Officer Vedutis and Police Officer Giardino were “playing around” and “joking” with each other back and forth over their loudspeakers and appeared to catch the attention of § 87(2)(b) and her friends, as though they believed the officers were addressing them. Given the consistency between the statements of the civilians and Police Officer Smith, § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) believed that either Police Officer Vedutis or Police Officer Giardino asked her and her friends if they wanted to take a photograph with him, and § 87(2)(b) did not recall which officer made this statement. Each of the officers interviewed denied making or hearing such a statement.

§ 87(2)(g)

Allegation (J) Untruthful Statement: Police Officer Christopher Vedutis provided a misleading official statement to the CCRB.

Allegation (K) Untruthful Statement: Police Officer Brendan Giardino provided a misleading official statement to the CCRB.

§ 87(2)(g)

Neither Police Officer Vedutis nor Police Officer Giardino mentioned using their loudspeakers to address each other in the median or noticing that they had drawn the attention of § 87(2)(b) and her friends, as Police Officer Smith had noticed. Furthermore, Police Officer Giardino stated that he did not recall whether he encountered Police Officer Vedutis in the median, nor did he recall the details of his conversation with § 87(2)(b) when he returned to the scene from the Manhattan Bridge. He did not mention telling § 87(2)(b) that he was addressing another officer over his loudspeaker.

Patrol Guide Procedure 203-08 (Board Review 17) prohibits officers from intentionally making misleading official statements, which it defines as a statement that is intended to misdirect the fact finder and materially alter the narrative by intentionally omitting material facts or making repeated claims of “*I do not remember*” or “*I do not know*” when a reasonable person under similar circumstances would recall, or have been aware of, such material facts.

Given that both Police Officer Vedutis and Police Officer Giardino failed to mention in their CCRB

interviews that they used their loudspeakers to joke with each other while they were parked in the median of Canal Street prior to their interactions with § 87(2)(b) and her friends § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) § 87(2)(b) and § 87(2)(b) have been parties (Board Review 18).
- Police Officer Brendan Giardino has been a member of service for three and this is the first CCRB complaint to which he has been a subject.
- Police Officer Christopher Vedutis has been a member of service for three years and has been a subject in one other CCRB complaint involving allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of June 30, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 19).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 02

Investigator: Jean-Paul Lozada SI Jean-Paul Lozada 08/27/2021
Signature Print Title & Name Date

Squad Leader: Alexander Opoku-Agyemang IM Alexander Opoku-Agyemang 8/27/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date